

REMARKS / ARGUMENTS

The present application includes pending claims 1-24, all of which have been rejected. The Applicant respectfully submits that the claims define patentable subject matter.

Initially, the Applicant notes that a goal of patent examination is to provide a prompt and complete examination of a patent application.

It is essential that patent applicants obtain a prompt yet complete examination of their applications. Under the principles of compact prosecution, each claim should be reviewed for compliance with every statutory requirement for patentability in the *initial review* of the application, even if one or more claims are found to be deficient with respect to some statutory requirement. Thus, Office personnel *should* state *all* reasons and bases for rejecting claims in the *first* Office action. Deficiencies should be explained clearly, particularly when they serve as a basis for a rejection. Whenever practicable, Office personnel should indicate how rejections may be overcome and how problems may be resolved. A failure to follow this approach can lead to unnecessary delays in the prosecution of the application.

See Manual of Patent Examining Procedure (MPEP) § 2106(II). As such, the Applicant assumes, based on the goals of patent examination noted above, that the present Office Action has set forth "all reasons and bases" for rejecting the claims.

Claims 1-7, 10-18 and 21-24 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,951,651, issued to Lakshman et al. (hereinafter, Lakshman), in view of U.S. Patent No. 5,689,505, issued to Chiussi,

et al. (hereinafter, Chiussi). Claims 8-9 and 19-20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Lakshman in view of Chiussi and further in view of U.S. Patent No. 7,143,132, issued to Klein, et al. (hereinafter, Klein). The Applicant respectfully traverses these rejections at least based on the following remarks.

REJECTION UNDER 35 U.S.C. § 103

In order for a *prima facie* case of obviousness to be established, the Manual of Patent Examining Procedure ("MPEP") states the following:

First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or combine the teaching. Second, there must be a reasonable expectation of success. Finally, **the prior art reference (or references when combined) must teach or suggest all the claim limitations.** The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure.

See MPEP at § 2142, citing *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991) (emphasis added). Further, MPEP § 2143.01 states that "the mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art suggests the desirability of the combination," and that "although a prior art device 'may be capable of being modified to run the way the apparatus is claimed, there must be a *suggestion or motivation in the reference* to do so'" (citing *In re Mills*, 916 F.2d 680, 16 USPQ 2d 1430 (Fed. Cir. 1990)).

Moreover, MPEP § 2143.01 also states that the level of ordinary skill in the art cannot be relied upon to provide the suggestion...,” citing *Al-Site Corp. v. VSI Int’l Inc.*, 174 F.3d 1308, 50 USPQ 2d 1161 (Fed. Cir. 1999). Additionally, if a *prima facie* case of obviousness is not established, the Applicant is under no obligation to submit evidence of nonobviousness.

The examiner bears the initial burden of factually supporting any *prima facie* conclusion of obviousness. If the examiner does not produce a *prima facie* case, the applicant is under no obligation to submit evidence of nonobviousness.

See MPEP at § 2142.

I. The Proposed Combination of Lakshman and Chiussi Does Not Render Claims 1-7, 10-18 and 21-24 Unpatentable

The Applicant first turns to the rejection of claims 1-7, 10-18 and 21-24 as being unpatentable over Lakshman in view of Chiussi.

A. The Proposed Combination Does Not Teach or Suggest “Generating A Destination Port Bit Map Based On the Destination Address Information”

With regard to the rejection of independent claim 1 under 103(a), the Applicant submits that the combination of Lakshman and Chiussi does not disclose or suggest at least the limitation of “generating a destination port bit map based on the destination address information contained in said frame of digital data,” as recited by the Applicant in independent claim 1 (emphasis added).

Regarding claim 1, the Office Action states the following:

Lakshman teaches: A method of providing physical port security in a digital communication system, comprising:

receiving a frame of digital data at a network device (see figure 1, elements 30 'source address', 35 'destination address'; figure 7, element 120 'packet received?'; column 1, lines 58-64; and column 5, lines 35-64 of Lakshman);

generating a destination port bit map based on the destination address information contained in said frame of digital data (see e.g. figure 1, element 35 'destination address'; figure 7, element 130a 'generate bitmap vector (k=1)'; column 1, lines 58-64; and column 5, lines 35-64 of Lakshman);

See the Final Office Action, pages 2-3. The Examiner refers for support to Figures 1 and 7 of Lakshman. Figure 1 of Lakshman discloses an implementation of an IP packet header, which includes a source address 30 and a destination address 35. Figure 7 of Lakshman discloses a router filtering algorithm based on existing router filter specifications. The Examiner is equating steps 130 of the filtering algorithm of Figure 7 with the generating of a destination port bit map limitation in Applicant's claim 1. The Applicant respectfully disagrees. Steps 130a, ..., 130n of Lakshman generate bitmap vectors for each of the n potential filters. The n bitmap vectors are then used to compute a resultant vector, which determines the filter rule of highest priority to be applied to the data packet. See Lakshman, col. 5, lines 50-64. The Applicant points out that the bitmap vectors of Lakshman are used to determine which filtering rule is of highest priority. The bitmap vectors of

Lakshman are not used for generating a destination port bitmap. Furthermore, the destination address information 35 of Lakshman is not used for generating a destination port bitmap. In fact, the destination address information 35 of Lakshman is not used in any way during the generation of the bitmap vectors (steps 130a, ..., 130n) as disclosed in Figure 7 of Lakshman.

Chiussi does not remedy the above stated deficiencies of Lakshman. Therefore, the Applicant maintains that the combination of Lakshman and Chiussi does not disclose or suggest at least the limitation of "generating a destination port bit map based on the destination address information contained in said frame of digital data," as recited by the Applicant in independent claim 1.

With regard to the rejection of independent claim 1 under 103(a), the Applicant submits that the combination of Lakshman and Chiussi does not disclose or suggest at least the limitation of "comparing said destination port bit map with a physical port security bit map to generate a bit map of allowed destination ports, wherein said physical port security bit map is generated based on information in said received frame of digital data," as recited by the Applicant in independent claim 1.

Regarding claim 1, the Office Action states the following:

Lakshman teaches: A method of providing physical port security in a digital communication system, comprising:

...

comparing said destination port bit map with a physical port security bit map to generate a bit map of allowed destination ports, wherein said physical port security bit map is generated based on information in said received frame of digital data (see figure 7, element 135 'computer intersection of all bitmap vectors'; column 1, lines 58-64; and column 5, lines 35-64 of Lakshman); and

See the Final Office Action at pages 2-3. The Examiner refers for support to Figure 7 of Lakshman. Figure 7 of Lakshman discloses a router filtering algorithm based on existing router filter specifications. The Examiner is equating step 135 of the filtering algorithm of Figure 7 with the comparing step in Applicant's claim 1. The Applicant respectfully disagrees. Steps 130a, ..., 130n of Lakshman generate bitmap vectors for each of the n potential filters. In step 135, the n bitmap vectors are used to compute a resultant vector, which determines the filter rule of highest priority to be applied to the data packet. Furthermore, the filtering algorithm of Figure 7, as well as the remaining portion of Lakshman, does not disclose any generation of a bit map of allowed destination ports. See Lakshman, col. 5, lines 50-64. The Applicant points out that the router filtering algorithm of Figure 7, including step 135, does not utilize any comparing of a destination port bit map

with a physical port security bit map so that a bit map of allowed destination ports is generated, as recited in Applicant's claim 1.

Chiussi does not remedy the above stated deficiencies of Lakshman. Therefore, the Applicant maintains that the combination of Lakshman and Chiussi does not disclose or suggest at least the limitation of "comparing said destination port bit map with a physical port security bit map to generate a bit map of allowed destination ports, wherein said physical port security bit map is generated based on information in said received frame of digital data," as recited by the Applicant in independent claim 1.

The Applicant submits that claim 1 is allowable. Independent claim 12 is similar in many respects to the method disclosed in independent claim 1. Therefore, the Applicant submits that independent claim 12 is also allowable over the references cited in the Office Action at least for the reasons stated above with regard to claim 1.

B. Rejection of Dependent Claims 2-7, 10-11, 13-18 and 21-24

Based on at least the foregoing, the Applicant believes the rejection of independent claims 1 and 12 under 35 U.S.C. § 103(a) as being unpatentable over Lakshman in view of Chiussi has been overcome and requests that the rejection be withdrawn. Additionally, claims 2-7, 10-11, 13-18 and 21-24 depend from

independent claims 1 and 12, respectively, and are, consequently, also respectfully submitted to be allowable.

The Applicant also reserves the right to argue additional reasons beyond those set forth above to support the allowability of claims 1-7, 10-11, 12-18 and 21-24.

II. The Proposed Combination of Lakshman, Chiussi and Klein Does Not Render Claims 8-9 and 19-20 Unpatentable

Claims 8-9 and 19-20 depend from independent claims 1 and 12, respectively, and are, consequently, also respectfully submitted to be allowable at least for the reasons stated above with regard to allowability of claim 1. The Applicant also reserves the right to argue additional reasons beyond those set forth above to support the allowability of claims 8-9 and 19-20.

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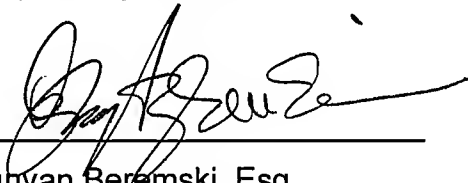
CONCLUSION

Based on at least the foregoing, the Applicant believes that all claims 1-24 are in condition for allowance. If the Examiner disagrees, the Applicant respectfully requests a telephone interview, and requests that the Examiner telephone the undersigned Attorney at (312) 775-8176.

The Commissioner is hereby authorized to charge any additional fees or credit any overpayment to the deposit account of McAndrews, Held & Malloy, Ltd., Account No. 13-0017.

A Notice of Allowability is courteously solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Ognyan Beremski', written over a horizontal line.

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